

### **REMARKS**

In response to the Office Action mailed April 22, 2009, Applicants respectfully request reconsideration. Claims 1-84 were previously pending in this application. By this amendment, claims 1, 36, 43, 48, 79 and 80 have been amended. Claim 81 has been canceled without prejudice or disclaimer. No new claims have been added. As a result, claims 1-80 and 82-84 are pending for examination with claims 1, 36, 43, 79 and 80 being independent. No new matter has been added.

#### **Claim Rejections Under 35 U.S.C. §101**

The Office Action rejected claims 1, 43, 79 and 80 under 35 U.S.C. §101 as allegedly directed to non-statutory subject matter. Applicants have amended claims 1, 43, 79 and 80 to address the Examiner's concerns.

Accordingly, withdrawal of this rejection is respectfully requested.

#### **Allowable Subject Matter**

As a preliminary matter, Applicants thank the Examiner for the indication of the allowable matter in claims 36, 39, 40, 70, 72 and 73. The Office Action objected to claims 36, 39, 40, 70, 72 and 73 as being dependent upon a rejected base claim, but indicated that the claims would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claim 36 has been rewritten as an independent claim.

#### **Claim Rejections Under 35 U.S.C. § 102**

The Office Action rejected claims 1, 2, 5, 6, 7, 8, 9, 17, 18, 23, 24, 79, 82 and 84 (including independent claims 1 and 79) under 35 U.S.C. 102(e) as allegedly being anticipated

by Freedman et al., U.S. Publication No. 20040249650 (hereinafter "Freedman"). Applicants respectfully traverse the rejections to the extent they are maintained over the claims as amended herein.

A. Independent Claim 1

Claim 1, as amended, recites:

An analysis system, comprising:  
a plurality of sensors configured to collect perception evidence;  
a computer system comprising a perception system that, when executed, consumes computing resources of the computing system, the perception system comprising:  
a control component that *selectively gathers* from the plurality of sensors the perception evidence, *the perception evidence being gathered at times selected to limit utilization of the computing resources of the computer system by the perception system*; and  
an analysis component that utilizes an analysis policy to analyze the perception evidence to determine a context of a user of the computer system,  
wherein:  
the control component uses *information from the analysis component regarding at least one feature about which to collect data to select the times at which to gather perception evidence* from one or more of the plurality of sensors; and  
the analysis component generates the information *based on a value of the at least one feature for determining the context*.  
(Emphasis added).

Support for amendments to claim 1 can be found at least on page 9, lines 20-25, page 10, lines 4-6 and on pages 13 and 24 of Applicants' specification.

Freedman does not teach or suggest all of the limitations of claim 1. Claim 1 is directed to *selectively* gathering perception evidence from a plurality of sensors *at times* selected to limit utilization of the computing resources of the computer system by the perception system (emphasis added). Moreover, claim 1, as amended, recites that the control component uses information from the analysis component *regarding at least one feature about which to collect*

*data to select the times at which to gather perception evidence* from one or more of the plurality of sensors; and the analysis component generates the information *based on a value of the at least one feature* for determining the context (emphasis added). Freedman does not teach or suggest such limitations.

Freedman is directed to capturing and analyzing customer interactions including customer and business experience, intelligence and content (Freedman, page 1, [0004]). On page 3, the Office Action states that Freedman discloses a control component that selectively gathers perception evidence in [0040], lines 43-56, "to limit utilization of the computing resources," in [0039], lines 45-49 and in [0063], lines 39-45. In one of the cited portions, Freedman describes that, by employing a preprocessing stage the content analysis system substantially reduces the size of the content data items 350 database size and the cost on computer resources in analyzing superfluous interactions (Freedman, page 5, [0039]). Furthermore, in another cited portion, Freedman states that device 280 can be presented as a multi segment interaction capture device since it can capture any information segments in a coded data format (Freedman, page 6, [0041]). It should be clear that the above is different from limitations of claim 1. Freedman does not teach or suggest "the control component uses information from the analysis component regarding at least one feature about which to collect data to select the times at which to gather perception evidence from one or more of the plurality of sensors," as recited, *inter alia*, in claim 1.

Further, the Office Action alleges that Freedman discloses an analysis component of claim 1 as a rule based analysis engine. However, Freedman states that "[t]he rule based analysis engine 218 applies rule based analysis to content data items provided thereto. The rules device 218 include the analysis of behavioral patterns device 220, the speaker identification and verification device 222, the call flow analysis device 224, the excitement (or emotion) analysis device 228 and the events association device 226" (Freedman, page 6, [0041]). However, Freedman does not teach or suggest that "the analysis component generates the information based on a value of the at least one feature for determining the context, as recited, *inter alia*, in claim 1.

Accordingly, claim 1 patentably distinguishes over Freedman and is in allowable condition.

Claims 2-35, 37-42, 82 and 84 depend from claim 1 and are allowable for at least the same reasons.

Accordingly, withdrawal of the rejection of claims 1-35, 37-42, 82 and 84 is respectfully requested.

B. Independent Claim 36

Claim 36 which included allowable subject matter has been rewritten in an independent form to include subject matter of independent claim 1 and intervening dependent claims 27, 34 and 35. Accordingly, claim 36 is allowable.

C. Independent Claim 79

Freedman does not teach or suggest all of the limitations of claim 79. Claim 79 has been amended to recite, *inter alia*,

sensor means to collect perception evidence;

control means to control the plurality of sensors to *selectively gather* the perception evidence obtained for employment *via* a perception system to limit utilization of computing resources of a computer system by the perception system; and

analyzing means to analyze the perception evidence utilizing an analysis policy to determine *context of use of the computer system by one or more users in which the perception system is operating*, wherein the analyzing means is employed to guide the control means regarding *which features to collect by the sensor means as the perception evidence depending on a value of the features for limiting of the utilization of the computing resources by the perception system*.

(Emphasis added)

Support for amendments to claim 79 can be found at least on page 9, lines 20-25, page 10, lines 4-6 and on pages 13 and 24 of Applicants' specification.

As should be clear from the above discussion of the cited reference, Freedman does not teach or suggest the above limitations of claim 79 relating to selecting features to collect by sensor means depending on a value of the features for limiting of the utilization of the computing resources.

Accordingly, claim 79 patentably distinguishes over Freedman and is in allowable condition.

Accordingly, withdrawal of the rejection of claim 79 is respectfully requested.

Claim Rejections Under 35 U.S.C. § 103 based on Freedman and Schubert

The Office Action rejected claims 43, 44, 49, 50, 51, 52, 54, 55, 57, 58, 59, 63, 83 (including independent claim 43) under 35 U.S.C. 103(a) as allegedly being unpatentable over Freedman in view of Schubert, U.S. Publication No. 20050113983 (hereinafter "Schubert"). Applicants respectfully traverse the rejections to the extent they are maintained over the claims as amended herein.

Claim 43, as amended, recites:

A method of analyzing data, comprising:  
obtaining perception evidence for a perception system for a particular context;  
analyzing the perception evidence utilizing an analysis policy to determine *a perceived system value*; and  
*employing the perceived system value to limit utilization of computing resources of a computer system by the perception system by determining whether to obtain the perception evidence based on the determined perceived system value, wherein a time at which the perception evidence is obtained is selected based on an intensity of interaction of a user with the computer system.*  
(Emphasis added).

Support for amendments to claim 43 can be found at least on page 9, lines 20-25, page 10, lines 4-6 and on pages 13 and 24 of Applicants' specification.

As should be clear from the above discussion of the cited reference, Freedman does not teach or suggest the above limitations of claim 43 relating to determining whether to obtain the

perception evidence based on the determined perceived system value, wherein a time at which the perception evidence is obtained is selected based on an intensity of interaction of a user with the computer system. In addition, nowhere does Freedman even mention an intensity of interaction of a user with the computer system. Schubert does not cure the deficiency of Freedman.

In addition, on page 27, the Office Action concedes that Freedman “does not disclose employing the perceived system value to limit utilization of computing resources by the perception system.” The Office Action then states, on page 28, that Schubert “discloses employing the perceived system value ([0037], lines 4-7) to limit utilization of computing resources by the perception system ([0037], lines 16-20, i.e., consuming a minimum of microprocessor resources).” Applicants respectfully note that, while Freedman is directed to capturing and analyzing customer interactions, Schubert describes a vehicle rollover sensing apparatus and method for predicting a future roll angle and an overturn condition of a vehicle. Thus, one of skill in the art would not be motivated to combine Freedman and Schubert. Moreover, as discussed above, the cited references do not teach or suggest all of the limitations of claim 43.

Accordingly, claim 43 patentably distinguishes over Freedman and Schubert, either alone or in combination, and is in allowable condition.

Claims 44-78 and 83 depend from claim 43 and are allowable for at least the same reasons.

Accordingly, withdrawal of the rejection of claims 43-78 and 83 is respectfully requested.

Claim Rejections Under 35 U.S.C. § 103 based on Freedman and Yoshida

The Office Action rejected independent claim 80 under 35 U.S.C. 103(a) as allegedly being unpatentable over Freedman in view of Yoshida, U.S. Publication No. 20010014356

(hereinafter "Yoshida"). Applicants respectfully traverse the rejections to the extent they are maintained over the claims as amended herein.

Claim 80, as amended, recites:

A data analysis system, comprising:  
a first component of a perception system that receives a data query relating to data to determine a context in which the perception system is operating so that to limit utilization of computing resources of a computer system by the perception system, wherein the data comprises perception evidence pertaining to at least one feature collected by a plurality of sensors; and  
a second component that *analyzes volatility versus persistence of observations of at least one state of the data over time to establish reasonableness in timing of at least one reply to the query, wherein the plurality of sensors collect the perception evidence pertaining to the at least one feature based on a value of the at least one feature in the context, and selection of the at least one feature depends on an intensity of interaction of a user with the computer system.*

(Emphasis added).

Support for amendments to claim 43 can be found at least on page 9, lines 20-25, page 10, lines 4-6 and on pages 13 and 24 of Applicants' specification.

As should be clear from the above discussion of the cited reference, Freedman does not teach or suggest the above limitations of claim 80 relating to analyzing volatility versus persistence of observations of at least one state of the data over time to establish reasonableness in timing of at least one reply to the query, wherein the plurality of sensors collect the perception evidence pertaining to the at least one feature based on a value of the at least one feature in the context, and selection of the at least one feature depends on an intensity of interaction of a user with the computer system. Nowhere does Freedman even mention an intensity of interaction of a user with the computer system. Yoshida does not cure the deficiency of Freedman.

In addition, on page 44, the Office Action concedes that Freedman "does not disclose volatility of the data over time to establish reasonableness in timing of at least one query reply." The Office Action then states, that However, Yoshida "discloses volatility of the data over time to establish reasonableness in timing of at least one query reply ([0101], lines 3-11, i.e., this

application was daily repeated for 4 weeks. After 4 weeks passed improvement of pimples at a tested portion relative to the condition before beginning to test was evaluated by panelist themselves).” Applicants respectfully note that, while Freedman is directed to capturing an analyzing customer interactions, Yoshida is directed to providing a plasmogen activator inhibitor which is effective for improvement of rough skin. Thus, it should be clear that one of skill in the art would not be motivated to combine Freedman and Yoshida directed to such different respective problems.

Accordingly, claim 80 patentably distinguishes over Freedman and Yoshida, either alone or in combination, and is in allowable condition.

Accordingly, withdrawal of the rejection of claim 80 is respectfully requested.



## CONCLUSION

A Notice of Allowance is respectfully requested. The Examiner is requested to call the undersigned at the telephone number listed below if this communication does not place the case in condition for allowance.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicant hereby requests any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, the Director is hereby authorized to charge any deficiency or credit any overpayment in the fees filed, asserted to be filed or which should have been filed herewith to our Deposit Account No. 23/2825, under Docket No. M1103.70734US00.

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Respectfully submitted,

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